



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 15 2003



936572

REPLY TO THE ATTENTION OF:
Bennett Avenue Mercury Site

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

non-responsive

Re: Request for Information Pursuant to Section 104 of CERCLA
for Bennett Avenue Mercury Site, Chicago, Illinois

Dear

This letter seeks your cooperation in providing information
relating to the Bennett Avenue Mercury Spill site at nonresponsive
Bennett Avenue, Chicago, Illinois (the "Site").

We encourage you to give this matter your immediate attention and
request that you provide a complete and truthful response to this
Information Request within twenty (20) days of your receipt of
this letter.

As you know, the United States Environmental Protection Agency
("U.S. EPA" or "we") responded to the release of mercury at the
Site on December 29, 2000. We incurred \$51,745.31 in costs in
responding to the release of mercury at the Site. Questions 1
through 4, below, request information from you regarding this
incident. We understand that you may be unable to pay U.S. EPA's
costs of cleanup. We request that you provide us with
documentation regarding your ability to pay in response to
Questions 5 through 7, below.

Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental
Response, Compensation, and Liability Act, 42 U.S.C. §9601, et
seq., commonly referred to as "CERCLA" and "Superfund") gives
U.S. EPA the authority to, among other things: (1) assess
contaminated sites, (2) determine the threats to human health and
the environment posed by each site, and (3) clean up those sites
in the order of the relative threats posed by each. It also
gives U.S. EPA authority to recover cleanup costs from
responsible parties.

Information Request

Background

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has authority to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

We are requesting that you answer questions that relate to the contamination at the Bennett Avenue Mercury Spill Site. We are also requesting that you answer questions about your ability to pay U.S. EPA's costs of cleanup. While we seek your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

You may consider some of the requested information to be confidential business information, or personal information that if disclosed would invade your privacy. Please be aware that you may not withhold the information upon that basis. If you wish us to treat the information confidentially, you must tell us so. You also must separate that information out from the rest of your responses, and mark it as "Personal Privacy Information" or "Confidential Business Information." If you claim business confidentiality for any of the information you submit to U.S. EPA, you must prove that claim.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

Questions

1. Please provide the complete name, phone number(s) and current address(es) of the individuals who owned the home on the Site in 2000 - 2001.
2. Please provide the complete name, phone number(s) and current address(es) of the individuals who lived at the home on the Site in 2000 - 2001.
3. What was the source of the mercury that was spilled in the residence?
4. Please provide the name, address and phone number of the plumber and/or contractor that performed the work in your residence which caused the release of the mercury.
5. Please explain whether you made a claim against your homeowner's insurance company for the mercury spill at the Site. *Please provide a copy of your insurance policy in effect in 2000 - 2001 and any correspondence between you and your homeowner's insurance company.*
6. Please provide copies of your income tax returns sent to the Federal Internal Revenue Service in the last three years.
7. Please identify all of your current assets and liabilities.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Carol Ropski, Enforcement Specialist
Emergency Enforcement & Support Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site or legal questions, please contact Deborah Carlson, Associate Regional Counsel, at (312) 353-6121. However, if you have specific questions about the Information Request, please contact Ms. Ropski at (312) 353-7647.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script, appearing to read "William D. Messenger".

William D. Messenger, Chief
Emergency Enforcement and Support Section